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Resolution adopted by the Human Rights Council on 24 March 2017

34/15. Birth registration and the right of everyone to recognition everywhere as a person before the law

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness and other relevant international instruments,

Recalling the obligation of States to register all children, without discrimination of any kind, immediately after birth, which is an important element of the protection and realization of all human rights, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

Recognizing that birth registration and the right to recognition everywhere as a person before the law is closely linked to the realization of all other human rights, and therefore underlining the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed to promoting and protecting human rights,

Welcoming the commitment of States to leave no one behind, and recalling that the provision of legal identity for all, including birth registration, is included as the standalone target 16.9 in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 16,

Recognizing that the full implementation of this target will have both a direct and an indirect impact on the achievement of other targets and goals, inter alia social protection,

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protection in emergencies, access to financial and economic resources, the elimination of all forms of discrimination and violence against women and children everywhere, and access to quality education,

Welcoming the continuing efforts of the Committee on the Rights of the Child and other treaty-based bodies towards universal birth registration, such as through recommendations widely addressed to States in this regard,

Recalling the resolutions adopted by the General Assembly and the Human Rights Council in which they call upon States to ensure the registration of all children immediately after birth, and without discrimination of any kind, the most recent being Assembly resolution 71/177 of 19 December 2016 and Council resolution 28/13 of 23 March 2015,

Recognizing the importance of birth registration, including late birth registration and provision of documents of proof of birth, as a means of providing an official record of the existence of a person and the recognition of that individual as a person before the law, and as a critical means of preventing statelessness,

Welcoming the 10-year "I Belong" campaign of the Office of the United Nations High Commissioner for Refugees, which is aimed at ending the legal limbo of statelessness that affects millions of people around the world,

Expressing concern that unregistered individuals may have limited or no access to services and the enjoyment of all the rights to which they are entitled, including the rights to a name and to acquire a nationality, and rights related to health, education, social welfare, work and political participation, and taking into consideration that registering a person's birth is a vital step towards the promotion and protection of all his or her human rights, and that persons without birth registration are more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, abduction, sale, exploitation and abuse, including when they take the form of child labour, human trafficking, child, early and forced marriage, and unlawful child recruitment,

Recognizing that free birth registration and free or low-fee late birth registration are part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve internationally agreed development goals,

Recognizing also that non-governmental organizations, professional associations, the media, the private sector and other members of civil society, including those involved in public-private partnerships, can also contribute to the improvement and promotion of community awareness of birth registration in a manner that reflects national priorities and strategies,

1. *Expresses deep concern* at the fact that, , despite ongoing efforts to increase the global rate of birth registration, according to the United Nations Children's Fund nearly one quarter of births of the global population of children under 5 have never been registered;[1]

2. *Reminds* States of their obligation to register all births without discrimination of any kind, and also reminds States that birth registration should take place immediately after birth, in the country where children are born, including the children of migrants, non-nationals, asylum seekers, refugees and stateless persons, in accordance with their national law and their obligations under the relevant international instruments, and that late birth

[1] See A/HRC/33/22.

registration should be limited to those cases that would otherwise result in a lack of registration;

3. *Reaffirms* that the provision of legal identity for all, including birth registration by 2030, can contribute to prevent, inter alia, marginalization, exclusion, discrimination, violence, statelessness, abduction, sale, exploitation and abuse, including when it takes the form of child labour, human trafficking, child, early and forced marriage, and unlawful child recruitment;

4. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on strengthening policies and programmes for universal birth registration and vital statistics development,[1] which refers to the international legal framework related to birth registration, the progress and challenges towards the universality of this right, and existing policies and programmes aimed at universal birth registration and vital statistics development;

5. *Calls upon* States to establish or strengthen existing institutions at all levels responsible for birth registration and to consider the development of comprehensive civil registration systems, and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase, as needed, the accessibility of birth registration facilities within its territory and, in accordance with relevant international law, abroad, either by increasing the number or through other means, such as mobile birth registration officials in rural areas, paying attention to the local community level, promoting community awareness and working to address the barriers faced by vulnerable groups, such as persons with disabilities, in their access to birth registration;

6. *Also calls upon* States to take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records, inter alia, due to emergency or armed conflict situations, including through the use of digital and new technologies as means to facilitate and universalize access to birth registration, and also to strengthen civil registration and vital statistics, which are key for the collection of disaggregated data for monitoring the Sustainable Development Goals;

7. *Further calls upon* States to assess the potential risk to privacy and to take steps to protect individuals from discrimination and harm when determining the information included in a birth certificate, particularly details concerning origin, race, ethnicity, religion and parents' marital status, and to consider reflecting on birth certificates only minimum information, such as the child's name, gender, date and place of birth, and when available, parents' names, citizenship and addresses;

8. *Calls upon* States to protect personal information obtained through birth registration or other civil registration processes that may be used to discriminate against an individual;

9. *Also calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;

10. *Further calls upon* States to raise awareness of birth registration continuously at the national, regional and local levels, including by engagement in collaboration with all relevant actors, such as national human rights institutions, the public and private sectors and civil society organizations, in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;

11. *Calls upon* States to ensure that lack of birth registration or documents of proof of birth does not constitute an obstacle to access to and the enjoyment of relevant

national services and programmes, in accordance with national and international human rights law;

12. *Urges* States to identify and remove physical, administrative, procedural and any other barriers that impede access to birth registration, including late registration, paying due attention to, among others, those barriers relating to poverty, disability, gender, age, adoption processes, nationality, statelessness, displacement, illiteracy and detention contexts, and to persons in vulnerable situations;

13. *Invites* States and other relevant stakeholders to work towards ensuring universal birth registration through, inter alia, the exchange of good practices and technical assistance, including through the universal periodic review and other relevant mechanisms of the Human Rights Council;

14. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means of respecting the right of everyone to be recognized everywhere as a person before the law;

15. *Takes note* of the Principles on Identification for Sustainable Development, which aim to strengthen identification systems and to foster cooperation around the implementation of the Sustainable Development Goals, and invites States and other actors to consider endorsing them;

16. *Invites* relevant United Nations agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

17. *Recognizes* the importance of international cooperation in supporting national efforts to ensure universal birth registration, including the exchange of good practices and technical assistance;

18. *Requests* the High Commissioner to identify and actively pursue opportunities to collaborate with the United Nations Statistics Division and other relevant United Nations agencies, funds and programmes, as well as other relevant stakeholders, in order to strengthen existing policies and programmes aimed at universal birth registration and vital statistics development, and to ensure that they are based on international standards, taking into account best practices, and are implemented in accordance with relevant international human rights obligations;

19. *Also requests* the High Commissioner to prepare, in consultation with States, United Nations agencies, funds and programmes, civil society and other relevant stakeholders, a report on best practices and specific measures to ensure access to birth registration, particularly for those children most at risk, marginalized and living in situations of conflict, poverty, emergency and vulnerability, including children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons, taking into account the commitment to implement target 16.9 of the Sustainable Development Goals, and to submit the report to the Human Rights Council at its thirty-ninth session;

20. *Decides* to consider this issue in accordance with its annual programme of work.

57th meeting
24 March 2017

[Adopted without a vote.]